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002/027

SEP 14 2006

Docket No.: 4590-418

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Denny WERNHAM *et al.*

U.S. Patent Application No. 10/539,623

Filed: June 17, 2005

For: AN OPTICAL FILTER

:  
:  
: Confirmation No. 2905  
:  
: Group Art Unit: n/a  
:  
: Examiner: n/aPETITION UNDER 37 C.F.R. § 1.47(a)Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants, John RUSSELL and Glenn Morgan JONES, hereby petition the U.S. Patent and Trademark Office to have the referenced application accepted for filing under 37 C.F.R. § 1.47(a), without the signature of inventor Denny WERNHAM, who refuses to sign the application Declaration.

This petition is accompanied by (*MPEP*, section 409.03):

(A) Declaration in compliance with 37 CFR 1.63, 1.64 or 1.175.

(B) Proof that the inventor, i.e., Denny WERNHAM, refuses to execute the application papers: e-mail correspondence (*Exhibit 1*) between inventor Denny WERNHAM and Applicant's Legal Directors, David Fleming and Ian Morgan, concluding that Denny WERNHAM conduct constitutes a refusal.

(C) Statement by Pascale BROCHARD and English translation thereof.

09/21/2006 ATRAM1 00000126 10539623

02 FC:1463

200.00 OP

BEST AVAILABLE COPY

U.S. Patent Application No. 10/539,623

Docket No.: 4590-418

(D) Last known address of the inventor, i.e., Denny WERNHAM:

European Space and Technology Centre  
Keplerlaan 1-Postbus 299  
2200 AG Noordwijk, The Netherlands

(E) Petition fee.

The above facts are sufficient to support a filing under 37 C.F.R. § 1.47(a).

Any questions can be directed to Applicant's attorney of record

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please charge any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Kenneth M. Berner  
Registration No. 37,093

Customer No. 22429  
1700 Diagonal Road, Suite 310  
Alexandria, Virginia 22314  
(703) 684-1111 KMB/iyr  
(703) 518-5499 Facsimile  
Date: September 14, 2006

**Exhibit A**

**Iryna Ridchenko**

**From:** Danielle THIVEL [danielle.thivel@fr.marks-clerk.com]  
**Sent:** Wednesday, September 13, 2006 4:58 AM  
**To:** Iryna Ridchenko  
**Subject:** Your 62988 (our ref:4590-418) - URGENTLY  
**Importance:** High

Dear Iryna

Is it possible to ask for another extension of time ?

Our customer sent us the declaration by mail express. (See below : mail of our customer)

We are looking forward to this sending.

Thank you in advance

With best regards,

Danielle

Danielle

These have been signed by the two QUK inventors and are being couriered to you. Benny Werthman has previously made it clear that he will not sign any documents related to this application.

David

-----Original Message-----

**From:** Danielle THIVEL [mailto:danielle.thivel@fr.marks-clerk.com]  
**Sent:** 22 August 2006 09:17  
**To:** Fleming, David  
**Subject:** [Fwd: Our Ref : 62988] - URGENTLY  
**Importance:** High

**REMINDER**

David

Our Agent request a new forms duly signed by the inventors before Sep

Please could you send them to us as soon as possible

Thank you in advance

Best Regards

9/14/2006

**Exhibit A**

Danielle

----- Message original -----

**Sujet:**Our Ref : 62988

**Date:**Thu, 20 Jul 2006 15:31:29 +0200

**De:**Danielle THIVEL <danielle.thivel@fr.marks-clerk.com>

**Pour:**David FLEMING <david.fleming@uk.qioptiq.com>

> US patent application based on PCT/EP 03 51068 filed on 18/12/2003  
> Our Ref : 62988  
>

---

Dear Sirs

Our Agent request a new forms includes last known address of Denny Wernham duly signed by the other inventor.

Please, could you send these Forms to J. Russell & G.M. Jones and return them to me, by e-mail and by mail.

Thank you in advance

Best regards

Danielle THIVEL

This email and any attachments are confidential to the intended recipient a

9/14/2006

**Sujet:** FW: Leg.01.USpatent  
**De:** "Fleming, David" <David.Fleming@uk.thalesgroup.com>  
**Date:** Mon, 21 Nov 2005 14:50:20 -0000  
**Pour:** "danielle.thivel@fr.marks-clerk.com" <danielle.thivel@fr.marks-clerk.com>

*Exhibit A*

Danielle,

Here is the email referred to in my earlier email. Please let me know if you need anything else.

David

-----Original Message-----

**From:** Denny.Wernham@esa.int [mailto:Denny.Wernham@esa.int]  
**Sent:** 06 October 2005 15:58  
**To:** Morgan, Ian  
**Subject:** RE: Leg.01.USpatent

Ian,

~~The reply is at the moment no. Furthermore, I have no intention of signing my rights to it (or indeed representing you in court over the same due to past history of doing this in the past and being compensated with absolutely nothing but pain and misery). In addition, I believe that you have potentially gained millions of pounds in sales already from this patented item with no compensation to any of the patentees.~~

~~The contractual situation is messy but appears that I have no obligations whatsoever to sign over this patent. My legal advise certainly suggests this. Please transmit this to David - he is (or has been) aware of my position. Maybe he can persuade the company (now that you are owned by venture capitalists) to invest in its employees.~~

~~Without prejudice~~

~~Denny.Wernham~~

"Morgan, Ian" <Ian.Morgan@uk.thalesgroup.com>

06/10/2005 15:51

To: "Denny.Wernham@esa.int" <Denny.Wernham@esa.int>  
cc:  
Subject: RE: Leg.01.USpatent

Denny,

Apologies for you appearing to harass you on this, but have you signed and returned the documents I sent to you yet? David Fleming is in and out of the office at the moment (he's not in for most of next week) and has asked me to progress this.

Thanks  
Ian

-----Original Message-----

**From:** Denny.Wernham@esa.int [mailto:Denny.Wernham@esa.int]  
**Sent:** 29 September 2005 12:23  
**To:** Morgan, Ian  
**Subject:** RE: Leg.01.USpatent

Thanks for clarification Ian. I will contact David upon his return.

**Exhibit A**

regards,

Denny

"Morgan, Ian" <Ian.Morgan@uk.thalesgroup.com>

28/09/2005 16:23

To: "Denny.Wernham@esa.int" <Denny.Wernham@esa.int>

cc: "Fleming, David" <David.Fleming@uk.thalesgroup.com>

Subject: RE: Leg.01.USpatent

Dear Denny,

I merely sent the documents to you in David Fleming absence, David remains your POC in this matter.

Regards

Ian

-----Original Message-----

**From:** Denny.Wernham@esa.int [mailto:Denny.Wernham@esa.int]

**Sent:** 28 September 2005 11:02

**To:** ian.morgan@uk.thalesgroup.com

**Subject:** Leg.01.USpatent

Dear Ian,

hope things are well over in sunny St. Asaph. Could you confirm that it is yourself who I should correspond with regarding the above (which I received yesterday). There is some history to this. I can explain position once you confirm.

Thanks

Denny

Denny Wernham

TEC-QMC

ESTEC, ESA

Noordwijk

The Netherlands

Tel: +31715658445

**Objet: TPI ref 62988****Date:** Mon, 13 Sep 2004 15:33:53 +0100**Exhibit A****De:** "Fleming, David" <David.Fleming@uk.thalesgroup.com>**A:** "danielle.thivel@thalesgroup.com" <danielle.thivel@thalesgroup.com>**Copies à:** "steve.edwards@thalesgroup.com" <steve.edwards@thalesgroup.com>~~Danielle~~

Pascale has asked me to forward to you the exchange of e-mails with Denny Wernham, a co-inventor who has refused to sign the documents we sent to him in order to proceed with an application in the US. The e-mails are added below. Let me know if I can assist further.

~~David Fleming~~  
~~Legal Director~~  
~~Thales Optics Limited~~

Tel: + 44 1745 588154

-----Original Message-----

**From:** Fleming, David**Sent:** 03 June 2004 09:48**To:** 'steve.edwards@uk.thalesgroup.com'; 'pascale.brochard@thalesgroup.com'**Subject:** FW: Patent documents - TST co-inventors

Steve,

Thanks for your e-mail about US patent applications. I have made another attempt to get Denny Wernham to sign the documents or take legal advice (as he indicated), and a copy of my e-mail is included below. If you read his earlier response you will see what we are up against. I have taken the view that it is pointless answering his issues point by point as he either disputes whatever is said or raises other points which are not pertinent to the issue. I'll let you know his next response but it is extremely unlikely that he will sign the documents we sent him. (Pascale - please send another set and I will get the other two inventors to sign.)

David

-----Original Message-----

**From:** Fleming, David**Sent:** 03 June 2004 09:37**To:** 'Denny Wernham@esa.int'**Subject:** RE: Patent documents

Denny,

As you wish to put things "on the record" may we refute your allegations that we have in any way been misleading or filtered a version of events for the company's gain. Your reference to "without prejudice" and "with prejudice" are misplaced. This is totally open correspondence and you can show it to whomever you wish. Indeed if you wish to take legal advice that is a matter for you to do so at your cost.

Our position is quite clear. Thales wishes to file a patent application which was co-invented by three of its employees, each of whom would be named. Thales has the right to do this in accordance with its employee terms (and without an obligation to make any payment to the inventors), and this right is not affected simply because one inventor no longer works for the company. Thales will pay all costs for applying for the patent.

Please let us know when we can expect a response from you as we need to progress this matter.

David Fleming

-Original Message-----

**Exhibit A**

**From:** Denny.Wernham@esa.int [mailto:Denny.Wernham@esa.int]  
**Sent:** 30 May 2004 16:52  
**To:** Fleming, David  
**Cc:** david.marks@uk.thalesgroup.com  
**Subject:** RE: Patent documents

David,

3) The law in general is ambiguous on the rights of an employer to take all entitlements and generated income from a patent from one of its employees - this is even accepted by Thales inasmuch as it was willing to offer some token payment in order to have a better legal position on this point (and would also be clearly seen through by "the reasonable man")

4) I have the entitlement to independent legal advice on this matter (as the clarity from your side thus far has been misleading. This latter point will be clear to anyone who reads the mails attached in the proper context and would be dismissable in court as there is no mention of "without prejudice" so I can only assume that it is "with prejudice".

If you are willing to offer some incentive for me to sign the patent over to Thales and its agents then please do so - (this would be the case for your current employees who are co-patent holders under the previous patent arrangement). If this is the case, then I would like to also know the sales revenue that the invention has generated and is expected to generate so that a reasonable sum can be discussed. My understanding is that a large number of optical components are involved.

If you have nothing better to offer that the content below then kindly await my legal response. I have copied this to David Marks so that he will receive an unfiltered version of events (I note there are no copyees in any of your mails) and will retain for my own files. At least now we are "on the record".

In the meantime I retain my position described below until advised otherwise. I hope you can understand my position.

Regards

~~Denny.Wernham~~

"Fleming, David" <David.Fleming@uk.thalesgroup.com>

27/05/2004 16:54

To: "Denny.Wernham@esa.int" <Denny.Wernham@esa.int>  
cc:  
Subject: RE: Patent documents



Denny,

***Exhibit A***

To assist you, I can tell you that you did sign a contract on 12/4/96 and that contract contained the following "Patents and Inventions" clause:

"Any discovery, invention, secret process or improvement in procedure made or discovered by you during your employment in connection with or in any way affecting or relating to the business of the Company or capable of being used or adopted for use in connection therewith will immediately be disclosed by you to the Company. It may under the provisions of the Patents Act 1977 belong to and be the absolute property of the Company."

Please let me know whether you will now sign the documents or when you anticipate you will be in a position to do so.

David

-----Original Message-----

**From:** Denny.Wernham@esa.int [mailto:Denny.Wernham@esa.int]

**Sent:** 25 May 2004 12:41

**To:** Fleming, David

**Subject:** RE: Patent documents

Dear David,

I am not completely sure on the law on this but I am aware that it is very difficult for an employee to extract all rights to an invention from its employee (although this is often the intent). Also, I have no recollection of signing a contract (or otherwise indicating) with your company, or any of its affiliates that achieved this end (although I may be mistaken I will check my files as I do seem to recall some minor gratuity that the company was offering for patent creation, which undoubtedly achieved this goal).

I will thus seek consultation on the matter before signing anything. This I will do with due care to any time constraints that you have so please indicate these. At least your last email made the situation transparent from your company's side. For that at least I am grateful (your first email should have in fact cited this, as it implied that the agents were acting on behalf of the inventors - in fact as you have clarified, they are acting on behalf of Thales). I expect the same transparency in any further communications so that we can keep them to a minimum.

Therefore, I retain all rights and remedies available to me through the appropriate legal authorities to protect the same until such time as I have received independent advice to the contrary.

Regards

Denny Wernham

"Fleming, David" <David.Fleming@uk.thalesgroup.com>

25/05/2004 13:17

To: "Denny.Wernham@esa.int"

<Denny.Wernham@esa.int>

cc:

Subject: RE: Patent documents

Denny,

You are not releasing any rights or claims because the invention belongs to Thales as it was invented by its employees. The US regulations simply require the inventors to sign to evidence this fact (hence the documents that you have). Therefore, please confirm that you are now able to sign and return the papers.

David

-----Original Message-----

**From:** Denny.Wernham@esa.int [mailto:Denny.Wernham@esa.int]

**Sent:** 24 May 2004 09:23

**To:** Fleming, David

**Subject:** RE: Patent documents

David,

a simple question:

What are the inventors actually entitled to under this arrangement. If by signing the document I am personally in fact releasing all or any rights and claims under the patent to Thales then I see no personal benefit in signing the document.

If you can clarify this in a few words then please do so by email so that we can record the discourse.

Regards

Denny

"Fleming, David" <David.Fleming@uk.thalesgroup.com>

24/05/2004 10:16

To: "Denny.Wernham@esa.int"  
<Denny.Wernham@esa.int>  
cc:  
Subject: RE: Patent documents

Denny,

Under the P of A you (and your co-inventors) are simply agreeing to appoint the Thales patent agents to proceed with the application formalities in each country in which a patent registration is being sought. In effect, it is the patent agent's authority to deal with the matter on behalf of the inventors.

Hope this answers your query, but if you still want to discuss please let me know.

David

-----Original Message-----

**From:** Denny.Wernham@esa.int [mailto:Denny.Wernham@esa.int]

**Sent:** 24 May 2004 09:05

**To:** Fleming, David

**Subject:** Re: Patent documents

David,

I understood that you were also to call me to discuss this situation. As I am signing over power of

attorney to Thales I would like to understand exactly what this means before I sign the document.  
Number is 0031715656565.

***Exhibit A***

Kind regards

Denny Wernham  
European Space Agency

"Fleming, David" <David.Fleming@uk.thalesgroup.com>

To: "denny.wernham@esa.int" <denny.wernham@esa.int>

19/05/2004 17:10

cc:  
Subject: Patent documents

Denny,

You we recently sent some documents for signature which relate to a patent application on which you were co-inventor. Please can you let me know whether you are able to sign and return these to me.

Regards

David Fleming  
Thales Optics Limited

+ 44 1745 588154

*Exhibit A*RECEIVED  
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SEP 14 2006

# Declaration for Patent Application

## Déclaration pour Demande de Brevet

### French Language Declaration

En tant l'inventeur nommé ci-après, je déclare par le présent acte que:

As a below-named inventor, I hereby declare that:

Mon domicile, mon adresse postale et ma nationalité sont ceux figurant ci-dessous à côté de mon nom.

My residence, mailing address and citizenship are as stated next to my name.

Je crois être le premier inventeur original et unique (si un seul nom est mentionné ci-dessous), ou l'un des premiers co-inventeurs originaux (si plusieurs noms sont mentionnés ci-dessous) de l'objet revendiqué, pour lequel une demande de brevet a été déposée concernant l'invention intitulée

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

#### AN OPTICAL FILTER

et dont la description est fournie ci-joint à moins

the specification of which

☐ ci-joint

☐ is attached hereto.

☐ a été déposée le \_\_\_\_\_

☒ was filed on

18/12/2003

sous le numéro de demande des Etats-Unis ou le numéro de demande international PCT

as United States Application Number or PCT International Application Number

\_\_\_\_\_ et modifiée le

\_\_\_\_\_ PCT/EP 03/51068

and was amended on

\_\_\_\_\_ (le cas échéant).

\_\_\_\_\_ (If applicable)

Je déclare par le présent acte avoir passé en revue et compris le contenu de la description ci-dessus, revendications comprises, telles que modifiées par toute modification dont il aura été fait référence ci-dessus.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

Je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

## French Language Declaration *Exhibit A*

Je revendique par le présent acte avoir la priorité étrangère, en vertu du Titre 35, § 119(a)-(d) ou § 365(b) du Code des Etats-Unis, sur toute demande étrangère de brevet ou certificat d'inventeur ou, en vertu du Titre 35, § 365(a) du même Code, sur toute demande internationale PCT désignant au moins un pays autre que les Etats-Unis et figurant ci-dessous et, en cochant la case, j'ai aussi indiqué ci-dessous toute demande étrangère de brevet, tout certificat d'inventeur ou toute demande internationale PCT ayant une date de dépôt précédant celle de la demande à propos de laquelle une priorité est revendiquée.

Prior Foreign Application(s)  
Demande(s) de brevet antérieure(s) dans un autre pays.

02 29597.0 UNITED KINGDOM  
(Number) (Country)  
(Numéro) (Pays)

\_\_\_\_\_  
(Number) (Country)  
(Numéro) (Pays)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 119(e) du Code des Etats-Unis, de toute demande de brevet provisoire effectuée aux Etats-Unis et figurant ci-dessous.

\_\_\_\_\_  
(Application No.) (Filing Date)  
(N° de demande) (Date de dépôt)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 120 du Code des Etats-Unis, de toute demande de brevet effectuée aux Etats-Unis, ou en vertu du Titre 35, § 365(c) du même Code, de toute demande internationale PCT désignant les Etats-Unis et figurant ci-dessous et, dans la mesure où l'objet de chacune des revendications de cette demande de brevet n'est pas divulgué dans la demande antérieure américaine ou internationale PCT, en vertu des dispositions du premier paragraphe du Titre 35, § 112 du Code des Etats-Unis, je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations, dont j'ai pu disposer entre la date de dépôt de la demande antérieure et la date de dépôt de la demande nationale ou internationale PCT de la présente demande:

PCT/EP 03/51068 18.12.2003  
(Application No.) (Filing Date)  
(N° de demande) (Date de dépôt)

\_\_\_\_\_  
(Application No.) (Filing Date)  
(N° de demande) (Date de dépôt)

Je déclare par le présent acte que toute déclaration ci-incluse est, à ma connaissance, véridique et que toute déclaration formulée à partir de renseignements ou de suppositions est tenue pour véridique; et de plus, que toutes ces déclarations ont été formulées en sachant que toute fausse déclaration volontaire ou son équivalent est passible d'une amende ou d'une incarcération, ou des deux, en vertu de la § 1001 du Titre 18 du Code des Etats-Unis, et que de telles déclarations volontairement fausses risquent de compromettre la validité de la demande de brevet ou du brevet délivré à partir de celle-ci.

I hereby claim foreign priority under Title 35, United States Code, § 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Claimed  
Droit de priorité  
Revendiqué

19.12.2002 ☒ ☐  
(Day/Month/Year Filed) Yes No  
(Jour/Mois/Année de dépôt) Oui Non

\_\_\_\_\_  
(Day/Month/Year Filed) ☐ ☐  
(Jour/Mois/Année de dépôt) Yes No  
Oui Non

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application No.) (Filing Date)  
(N° de demande) (Date de dépôt)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

\_\_\_\_\_  
(Status: Patented, Pending, Abandoned)  
(Statut : breveté, en cours d'examen, abandonné)

\_\_\_\_\_  
(Status: Patented, Pending, Abandoned)  
(Statut : breveté, en cours d'examen, abandonné)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# **French Language Declaration *Exhibit A***

Nom complete de l'unique ou premier Inventeur	Full name of sole or first inventor <b>Denny WERNHAM</b>
Signature de l'inventeur Date	Inventor's signature Date
Domicile	Residence
Nationalité	Citizenship
Adresse Postale	Mailing Address

Nom complet du second co-inventeur, le cas échéant	Full name of second joint inventor, if any <b>John RUSSELL</b>
Signature de l'inventeur Date <i>John Russell</i> 2/11/05	Second inventor's signature Date <i>John Russell</i> 2/11/05
Domicile	Residence <b>DENBIGHSHIRE LL18 5TY - UNITED KINGDOM</b>
Nationalité	Citizenship <b>English</b>
Adresse Postale	Mailing Address <b>THALES SPACE TECHNOLOGY Unit 2, Kinnel Park, Bodelwyddan, RHYC DENBIGHSHIRE LL18 5TY, N. WALES, UNITED KINGDOM</b>

Nom complet du troisième co-inventeur, le cas échéant	Full name of third joint inventor, if any <b>Glenn Morgan JONES</b>
Signature de l'inventeur Date <i>G. Jones</i> 3/11/05	Third inventor's signature Date <i>G. Jones</i> 3/11/05
Domicile	Residence <b>DENBIGHSHIRE LL18 5TY - UNITED KINGDOM</b>
Nationalité	Citizenship <b>English</b>
Adresse Postale	Mailing Address <b>THALES SPACE TECHNOLOGY Unit 2, Kinnel Park, Bodelwyddan, RHYC DENBIGHSHIRE LL18 5TY, N. WALES, UNITED KINGDOM</b>

Nom complète du quatrième co-inventeur, le cas échéant	Full name of fourth joint inventor, if any
Signature de l'inventeur Datum	Fourth inventor's signature Date
Domicile	Residence
Nationalité	Citizenship
Adresse Postale	Mailing Address

(Fournir les mêmes renseignements et la signature du cinquième co-inventeur et de tout co-inventeur supplémentaire.)

(Supply similar information and signature for fifth and subsequent joint inventors.)

**Power of Attorney****Exhibit A****RECEIVED  
CENTRAL FAX CENTER****SEP 14 2006**

**POUVOIRS:** En tant que l'inventeur cité, je désigne par la présente l'(les) avocat(s) suivant(s) pour qu'ils poursuive(nt) la procédure de cette demande de brevet et traite(nt) toute affaire s'y rapportant avec l'Office des brevets et des marques: (mentionner le nom et le numéro d'enregistrement).

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

**33 308**

Adresser toute correspondance à:

Send Correspondence to:

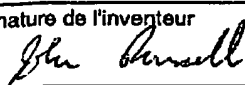
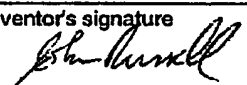
**LOWE HAUPTMAN & BERNER LL.**  
1700 Diagonal Road, Suite 310  
ALEXANDRIA, VIRGINIA 22314  
USA

Adresser tout appel téléphonique à:  
(nom et numéro de téléphone)

Direct Telephone calls to: (name and telephone number)

**Kenneth M. BERNER 703-684-1111**

Nom complet de l'unique ou premier inventeur	Full name of sole or first inventor <b>Denny WERNHAM</b>
Signature de l'inventeur <span style="float: right;">Date</span>	Inventor's signature <span style="float: right;">Date</span>
Domicile	Residence
Nationalité	Citizenship
Adresse Postale	Mailing Address

Nom complet du second co-inventeur, le cas échéant	Full name of second joint inventor, if any <b>John RUSSELL</b>
Signature de l'inventeur <span style="float: right;">Datum</span>  <span style="float: right;">3/11/05</span>	Inventor's signature <span style="float: right;">Date</span>  <span style="float: right;">3/11/05</span>
Domicile	Residence <b>DENBIGHSHIRE LL18 5TY - UNITED KINGDOM</b>
Nationalité	Citizenship <b>English</b>
Adresse Postale	Mailing Address <b>THALES SPACE TECHNOLOGY Unit 2, Kinnel Park, Bodelwyddan, RHYC DENBIGHSHIRE LL18 5TY, N. WALES, UNITED KINGDOM</b>

(Fournir les mêmes renseignements et la signature du troisième co-inventeur et de tout co-inventeur supplémentaire.)

(Supply similar information and signature for third and subsequent joint inventors.)

**Power of Attorney****Exhibit A**

Nom complet du troisième co-inventeur, le cas échéant	Full name of third joint inventor, if any <b>Glenn Morgan JONES</b>
Signature de l'inventeur <i>G.M. Jones</i>	Third inventor's signature <i>G.M. Jones</i>
Date 3/11/05	Date 3/11/05
Domicile	Residence <b>DENBIGHSHIRE LL18 5TY - UNITED KINGDOM</b>
Nationalité	Citizenship <b>English</b>
Adresse Postale	Mailing Address <b>THALES SPACE TECHNOLOGY Unit 2, Kinnel Park, Bodelwyddan, RHYC DENBIGHSHIRE LL18 5TY, N. WALES, UNITED KINGDOM</b>

Nom complet du quatrième co-inventeur, le cas échéant	Full name of fourth joint inventor, if any
Signature de l'inventeur	Fourth inventor's signature
Date	Date
Domicile	Residence
Nationalité	Citizenship
Adresse Postale	Mailing Address

Nom complet du cinquième co-inventeur, le cas échéant	Full name of fifth joint inventor, if any
Signature de l'inventeur	Fifth inventor's signature
Date	Date
Domicile	Residence
Nationalité	Citizenship
Adresse Postale	Mailing Address

Nom complet du sixième co-inventeur, le cas échéant	Full name of sixth joint inventor, if any
Signature de l'inventeur	Sixth inventor's signature
Date	Date
Domicile	Residence
Nationalité	Citizenship
Adresse Postale	Mailing Address

(Fournir les mêmes renseignements et la signature du septième co-inventeur et de tout co-inventeur supplémentaire.)

(Supply similar information and signature for seventh and subsequent joint inventors.)



# THALES

## THALES INTELLECTUAL PROPERTY

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OFFICE EUROPEEN DES BREVETS  
P.B. 5818 PATENTLAAN 2  
NL-2280 HV RIJSWIJK  
PAYS BAS

Arcueil, 21 septembre 2004

Ingénieur traitant :  
Pascale BROCHARD  
33 01 41 48 45 67

**Objet : 62988 - N° PCT/EP 03/51068 déposée le 18.12.2003  
au nom de : THALES PLC**

Messieurs,

Mr Denny WERNHAM, co-inventeur de la demande PCT/EP 03/51068 refuse de signer la requête.

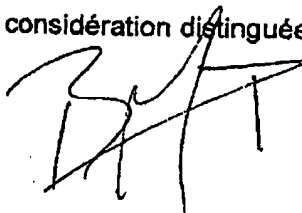
Mr Denny WERNHAM est ancien employé de THALES OPTICS Limited comme en atteste les échanges de messages électroniques (ci-joint) entre lui et Mr David FLEMING, directeur juridique de THALES OPTICS Limited.

Mr Denny WERNHAM conteste la clause qui spécifie que l'invention est propriété de la Société dont il était employé.

Tous les efforts sont faits pour expliquer à Mr WERNHAM les raisons de droit qui font que cette invention est propriété de la Société qui l'a employé, mais à ce jour, nous n'avons pas encore du obtenir sa signature.

Vous trouverez ci-joint le pouvoir signé par les autres co-Inventeurs.

Veuillez agréer, Messieurs, l'assurance de notre considération distinguée.



Pascale BROCHARD  
Mandataire Agréée

P.J. Pièces annoncées

**ENGLISH TRANSLATION OF LETTER DATED SEPTEMBER 21, 2004**

**RECEIVED  
CENTRAL FAX CENTER**

**SEP 14 2006**

Dears Sirs,

Mr Denny WERNHAM, co-inventor of the application PCT/EP 03/51068 refuses to sign the request.

Mr Denny WERNAHM is an ex- employee of THALES OPTICS LIMITED as gives evidence of the exchanges of electronic messages (enclosed) between him and Mr David Fleming, legal director of THALES OPTICS LIMITED.

Mr Denny WERNHAM disputes the clause which specifies that the invention is property of the Company which employed him.

All the efforts are made to explain to Mr WERNHAM the reasons of right which make that this invention is property of the Company which has employed him, but this day, we were not able yet to obtain his signature.

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